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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOAKYE, ALEXANDER O

ART UNIT PAPER NUMBER

2667

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,579

Applicant(s)

OZ ET AL.

Examiner

ALEXANDER BOAKYE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-32 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8 and 12 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 7, 9-11, 13-22 and 33-49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

1. Claims 33-49 are objected to because of the following informalities.

In claim 33 (line12) packet has been written twice. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (US Patent # 6,141,339) in view of Smith et al. (US Patent # 6,128,649).

Regarding claims 1, 8, and 12, Kaplan teaches a router, operative to receive service conveying packets and to provide to each group of end-users group associated service conveying packets (column 15, lines 61-column 16, lines 1-18); a session manager, coupled to the router, the session manager providing routing instructions to the router (column 6, lines 41-43; in Fig. 4 ATM switch 441 corresponding to the claimed router is coupled to the session manager 442). Furthermore, Kaplan teaches that at least some of the service conveying packets comprising media stream (column 17, lines 37-44). Kaplan differs from the claimed invention in that Kaplan does not disclose dynamically selecting group of associated service conveying packets out of the

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received service conveying packets. Smith from the same field of endeavor teaches dynamically selecting group of associated service conveying packets out of the received service conveying packets (column 3, lines 35-36). One of the ordinary skill in the art would have been motivated to incorporate dynamically selecting group of associated service conveying packets out of the received service conveying packets in the communication network of Kaplan in order to enable user to concentrate on the content and not the form of presentation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate dynamically selecting group of associated service conveying packets out of the received service conveying packets such as the one taught by Smith into the communications network of Kaplan with the motivation being that it provides capability for the system to enable user concentrate on the content not the form of presentation, thus enhancing performance.

Regarding claim 5, Kaplan teaches that at least one media signals are MPEG compliant (column 6, lines 7-12).

Allowable Subject Matter

3. Claims 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17-20, 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 23-32 are allowable.

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The following is a statement of reasons for the indication of allowable subject matter: As to claims 23-32, the prior art of record does not teach whereas the aggregate bandwidth of the received service conveying packets at each given time, exceeds the bandwidth of the limited bandwidth media.

Claims 33-49 would be allowable if rewritten or amended to overcome the objected claims set forth in this Office action.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye

Patent Examiner

AB

2/03/05


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2/4/05